

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIESEL PROPS S.R.L. and
DIESEL KID S.R.L.,

Civil Action No. 07CV9580 (HB)

Plaintiffs/Counter-Defendants,

[AMENDED PROPOSED]
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE FOR A PRELIMINARY
INJUNCTION

-against-

GREYSTONE BUSINESS CREDIT II LLC
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs

-against-

DIESEL S.p.A.

Third-Party Defendant.

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Upon the Amended Complaint filed herein, the Declaration of Luigi Mezzasoma dated October 26, 2007, the Declaration of Germano Ferraro dated October 26, 2007, the Declaration of Rosanna Sartori dated October 26, 2007, the Declaration of Stephen Birkhold, dated February 8, 2008, the Declaration of Anthony Strippoli, dated February 8, 2008, the Declaration of Ira Sacks, dated February 10, 2008 and the Declaration of Carlo Pascotto, dated February 11, 2008, the exhibits to such declarations, and the memorandum of law, dated October 26, 2007, let defendants show cause before the Honorable Harold Baer, Jr. at the United States Courthouse, 500 Pearl Street, New York, New York, Room 23B, on February __, 2008 at _____. m., why an Order should not be entered pursuant to Federal Rule of Civil Procedure

(“FRCP”) 65 temporarily restraining and enjoining Defendants Global Brand Marketing, Inc. (“GBMI”) and Greystone Business Credit II, LLC (“Greystone”), and their officers, members, agents, servants, employees and attorneys and those in active concert or participation with them who receive actual notice of this order, from transferring, selling, distributing or otherwise disposing of the inventory of 101,000 pairs of branded Diesel footwear (the “old GBMI product”); and it is further

ORDERED that Defendants show cause before the Honorable Harold Baer, Jr. at the United States Courthouse, 500 Pearl Street, New York, New York, Room 23B, on February ___, 2008 at _____. m., why an Order should not be entered pursuant to FRCP 65 preliminarily enjoining GBMI and Greystone, and their officers, members, agents, servants, employees and attorneys and those in active concert or participation with them who receive actual notice of this order, from transferring, selling, distributing or otherwise disposing of the old GBMI product; and it is further

ORDERED that, by 5 p.m. on _____, 2008, Plaintiffs post a bond in the amount of \$____ in this action as sufficient security for the payment of costs and damages as may be incurred by any party wrongly enjoined or restrained hereby; and it is further

ORDERED that Defendants’ opposition papers, if any, shall be served by hand delivery upon Plaintiffs’ attorneys, Dreier LLP, 499 Park Avenue, New York, New York 10022 at or before _____. m. on February , 2008.

Dated: February __, 2008

Hon. Harold Baer, Jr., U.S.D.J.